

## REMARKS

Claims 2 and 5 are in the case.

With this amendment, Applicant added a new Claim 5 dependant on Claim 2.

Reconsideration of the rejection of Claim 2 under 35 U.S.C. 103 is respectfully requested in view of the following comments.

Claim 2 is directed to a method of controlling soilborne pathogens in a soil having an organic carbon content of less than 1.7% by weight, the method comprising the step of adding a nitrogen containing material and a pH raising agent to raise the soil pH above 8.5.

The reference of U.S. Patent 6,300,282 to Cooley is not believed to be an effective reference as it carries an issue date of October 9, 2001. The present application carries an effective filing date of July 24, 2000, well before the above issue date.

Irrespective of the above, Cooley does not begin to show a method as defined in Claim 2. Thus, the method of the present invention is directed to controlling soilborne pathogens while Cooley shows a technique for allegedly increasing potato crop yields.

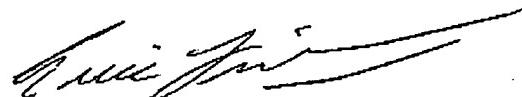
S.N. 10/017,328  
Art Unit 1651

4.

There is nothing within the four corners of this reference which would lead to one knowledgeable in the art to the method of Claim 2.

It is now believed this application is in order for allowance, and that such action is respectfully solicited.

Respectfully,



Eric Fincham  
Reg. 28,201

#### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patents and Trademarks Office Fax No. (703) 872-9306 on the date set forth below.

  
Eric Fincham, Reg. 28,201

Date

Nov 25, 2003